

REMARKS

Applicant appreciates the thorough examination of the present application that was provided by the Office Action of April 14, 2008. In response, Applicant has amended Claims 1, 2, 19, 23, 41, 42, 53, 55 as indicated above to clarify the recitations thereof.

More specifically, Claims 1, 19, and 41 have been amended to include recitations corresponding to dependent Claims 8, 29, and 47, respectively, which are Canceled herein. Claim 53 has been amended to include recitations similar to those in amended Claim 41. Moreover, dependent Claims 2, 23, 42, and 55 have been amended herein for consistency with the amended independent claims. Claims 24 and 65 have been amended to correct typographical errors. No new matter has been added.

Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections for the reasons that will now be described.

Independent Claims 1 and 19 Are Patentable

Independent Claims 1 and 19 have been amended to incorporate recitations from now Canceled Claims 8 and 29, respectively. Accordingly, the rejection of independent Claims 1 and 19 will be addressed with reference to the rejection of previously pending Claims 8 and 29. Amended Claim 1 recites:

1. A multimedia distributing method comprising:
transmitting multimedia data having a first resolution; and
separately transmitting supplemental data, which, when combined with the multimedia data having a first resolution, provides multimedia content at a second resolution that is higher than the first resolution,
wherein transmitting multimedia data is performed in real or near real-time, and
wherein separately transmitting supplemental data is not performed in real or near real-time. (Emphasis added.)

Independent Claim 19 has been similarly amended to incorporate the recitations of now Canceled Claim 29. Amended Claim 19 recites:

19. A multimedia playing method comprising:
receiving multimedia data having a first resolution;
separately receiving supplemental data, which, when combined with the multimedia data having a first resolution, provides multimedia content at a second resolution that is higher than the first resolution;
combining the multimedia data having a first resolution and the supplemental data to provide the multimedia content at a second resolution that is higher than the first resolution; and

playing the multimedia content at a second resolution that is higher than the first resolution,

wherein receiving multimedia data is performed in real or near real-time, and

wherein separately receiving supplemental data is not performed in real or near real-time. (Emphasis added.)

Claims 8 and 29 were rejected under 35 U.S.C. § 102(b) based on the disclosure of a method in U.S. Patent 6,266,817 to Chaddha “wherein transmitting multimedia data is performed in real or near real-time (See col. 13, lines 5-17); **and wherein separately transmitting supplemental data is not performed in real or near real-time.**” Office Action, page 5. However, Applicant respectfully submits that separately transmitting supplemental data in non real-time is not described by Chaddha.

In particular, although Chaddha’s Abstract states that “the decoder extracts from the embedded stream different streams at different spatial and temporal resolutions” (Chaddha, page 1), Chaddha elaborates at col. 9, lines 21-24 that “[a]ccording to the present invention, **video encoder 60 provides a single embedded stream** from which different streams at different spatial and temporal resolutions and different data rates can be extracted by decoders 40, depending on decoder capabilities and requirements” (emphasis added). Further, Chaddha’s Abstract specifically states that “**decoding occurs in real-time.**” Chaddha, page 1 (emphasis added).

Accordingly, Applicant respectfully submits that Chaddha appears to teach a system within which the base layer data (multimedia data having a first resolution) and error data (supplemental data) are **both streamed together** as prioritized packets within “a single embedded information stream.” See Chaddha, col. 4, lines 36-37 (emphasis added); *see also, for example*, col. 4, lines 48-49 (“the single embedded information stream”); col. 5, lines 57-58 (“the embedded bit-stream generated by the scalable video encoder”); col. 7, lines 14-15 (“an embedded prioritized bit-stream”); col. 7, line 35 (“the transmitted embedded stream”); col. 9, line 2-3 (“the incoming embedded stream”); col. 9, lines 21-24 (“video encoder 60 provides a single embedded stream from which different streams at different spatial and temporal resolutions and different data rates can be extracted by decoders 40, depending on decoder capabilities and requirements”); col. 11, lines 7-8 (“[a] separate network stream per destination.”). Thus, Chaddha’s streaming base layer data and error data within a single embedded stream appears to teach away from transmitting multimedia data in real or near real-time and separately transmitting supplemental data in non real-time.

Applicant notes that Chaddha appears to teach separately **storing** the reduced resolution stream from the supplemental (error) data stream on disk **prior to transmission**. See Chaddha, col. 7, lines 36-39 (“Information layout on the video disk storage system 90 preferably involves laying the video as two streams, e.g., the base layer and the first and second enhancement layer streams”) (internal reference to FIG. 1 omitted); col. 7, lines 43-44 (“The base layer data is stored as a separate stream from the enhancement layer data **on disk** subsystem 90”) (emphasis added); *see also* Chaddha, col. 8, lines 10-11 (“Preferably the video server uses RAID-like techniques to stripe each (data stream) across several drives.”) However, Applicant respectfully submits that Chaddha’s storing streams prior to transmission does not describe or suggest separately **transmitting** the low resolution data in real or near real-time and separately transmitting the error data **in non real-time**, as recited in amended Claims 1 and 19.

Because Chaddha appears to teach streaming both the base layer data and error data together during transmission, Chaddha appears to teach a system in which **both** the multimedia data having a first resolution and the supplemental data are transmitted and received in **real or near real-time**. Applicant also notes that Chaddha explicitly states in its Abstract that “**decoding occurs in real-time**.” See Chaddha, page 1 (emphasis added).

Because Chaddha does not appear to teach separately transmitting supplemental data in non real-time, Applicant respectfully submits that Claims 1 and 19, as amended, are not disclosed nor suggested by Chaddha. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 102(b).

Further, Applicant respectfully submits that it would not be obvious to send supplemental data in non real-time. Sending supplemental data in non real-time may not allow a streaming video system to present at least some high resolution data to the user, since at least some of the supplemental data might arrive too late to be combined with the low resolution data to create a high resolution image during the streamed playing of the multimedia. For at least these reasons, Claims 1 and 19 are unobvious in Chaddha.

Independent Claims 11 and 31 Are Patentable

Claims 11 and 31 are patentable. Claim 11 recites:

11. A method of transmitting a multimedia work comprising:
streaming a first portion of the multimedia work; and

downloading a second portion of the multimedia work, wherein the first and second portions together comprise the multimedia work.
(Emphasis added.)

There are similar recitations within Claim 31. Claims 11 and 31 were rejected under 35 U.S.C. § 102(b) over Chaddha. As discussed with respect to Claims 1 and 19, Chaddha appears to teach **streaming both** the low resolution data and the error data. In contrast, Claim 11 recites “**streaming a first portion** of the multimedia work; and **downloading a second portion** of the multimedia work wherein the first and second portions together comprise the multimedia work” (emphasis added). Similarly, Claim 31 recites “**streaming a first portion** of the multimedia work; **downloading a second portion** of the multimedia work; combining the first and second portions of the multimedia work to generate the multimedia work; and playing the multimedia work that is generated” (emphasis added). As noted in the present application, there are marked differences between streaming and downloading.

In streaming, the multimedia content is sent to a user in a continuous stream, and is played as it arrives. In contrast, **downloading transmits the data as a computer file, which is then stored at the user device and may be played back after the entire file is downloaded.** Often, streaming may be limited in resolution due to potential bandwidth limitations of the network through which the streaming multimedia content is transmitted. However, real-time or near real-time playback may be provided. Downloaded multimedia content may be higher in resolution, but there may be a large playback latency time while the file is being downloaded.

Specification, page 1, lines 12-15 (emphasis added). Because Chaddha does not appear to teach or suggest streaming the initial low resolution data and **downloading the (supplemental) error data**, Applicant respectfully submits that the original Claims 11 and 31 are not anticipated by Chaddha. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 102(b).

Further, Applicant respectfully submits that it would not be obvious to stream the low resolution data and download the supplemental data. Downloading supplemental data may not allow a streaming video system to present at least some high resolution data to the user, since at least some of the supplemental data might arrive too late to be combined with the low resolution data to create a high resolution image during the streamed playing of the multimedia.

Independent Claims 49 and 60 Are Patentable

These claims are patentable for at least the reasons discussed above in connection with Claims 11 and 31. This analysis is not repeated for the sake of brevity.

Independent Claims 41 and 53 Are Patentable

These claims are patentable for at least the reasons discussed above in connection with Claims 1 and 19. This analysis is not repeated for the sake of brevity.

Dependent Claims 6, 7, 15, 16, 27, 28, 38, 39, 45, 46, 51, 52, 58, 59, 66, 67 Are Separately Patentable

These dependent claims are patentable at least per patentability of the independent claims from which they depend. Moreover, these dependent claims are separately patentable. For example, Claim 6 recites:

6. A method according to Claim 1:
wherein transmitting multimedia data is subject to a first digital rights management scheme; and
wherein separately transmitting supplemental data is subject to a second digital rights management scheme that is different from the first digital rights management scheme.

Similar recitations may be found in Claims 15, 27, 38, 45, 51, 58, and 66. Claim 7 recites:

7. A method according to Claim 1:
wherein separately transmitting supplemental data is preceded by receiving payment for the supplemental data that is greater than payment that is received for the multimedia data having a first resolution.

Similar recitations may be found in Claims 16, 28, 39, 46, 52, 59, and 67. In reference to these claims, the Office Action alleges that “Chaddha further discloses a method wherein transmitting multimedia data is subject to a first digital rights management scheme . . .”

(Office Action, page 4 (citing Chaddha, col. 12, lines 5-18)). The cited text follows:

In the even [sic] of scarcity of resources, some global prioritization of user requests must take place to guard against overload collapse. In a practical system, payment for services and resources may be used to define the overall value of each resource allocation decision. Given these values, a total ordering of the user requests can be made, e.g., by admission control 110, and the less important requests can be dropped. The user specifies what he or she is willing to pay for a given service. This proposed amount and the required associated resources (network and disk bandwidth) are submitted to an electronic market, e.g. admission control 110, which uses

micro-economic models to decide what amount of bandwidth resources is available to the user. Such techniques are known in the art . . .

Chaddha, col. 12, lines 5-18. Applicant respectfully submits that Chaddha's teaching of "payment for service and resources . . . to define the overall value of each resource allocation decision" (Chaddha, col. 12, lines 7-9) within an electronic market for **network and disk bandwidth** (see Chaddha, col.12., line 14 (emphasis added)) is not digital rights management (DRM). Digital rights management focuses on a user's right to receive and play specific **media content**. Payment for network service, network bandwidth, and disk bandwidth is a different concept from payment for the right to receive and play specific media content.

The Office Action (at page 4) further cites the following text from Chaddha:

The media server components include a session control agent, the audio transmission agent, and the video transmission agent. The user connects to the session control agent on the server system and arranges to pay for the video service and network bandwidth. **The user can specify the cost he/she is willing to pay and an appropriately scaled stream will be provided by the server.** The session control agent (e.g., admission control mechanism 110) then sets up the network delivery connections and starts the video and audio transmission agents. The session control agent 110 is the single point of entry for control operations from the consumers remote control, the network management system, and the electronic market.

Chaddha, col. 12, lines 59-67 and col. 13, lines 1-4 (emphasis added). Here again, Chaddha focuses on payment for the network provider's (bandwidth and disk) resources, instead of payment for a user's right to receive and play specific media content. The recitations of these claims are therefore not suggested.

Applicant notes the Office Action's allegation that "if the user determines that he/she want[s] supplemental data, the he/she will be paying first before receiving the requested data." Office Action, page 5 (citing Chaddha, col. 12, lines 63-65). However, as discussed above, Applicant respectfully submits that, in Chaddha, the user is not paying for supplemental data; instead, the user is paying for relative priority of usage of network resources, such as network bandwidth.

For at least these reasons, Applicant respectfully submits that Claims 6, 7, 15, 16, 27, 28, 38, 39, 45, 46, 51, 52, 58, 59, 66, 67 are separately patentable.

Applicant also respectfully notes that although Claim 16 was not specifically rejected, it is included in the above discussion and similarly analyzed.

Dependent Claims 3, 12, 24, 32, 43, 50, 56, 61 Are Separately Patentable

Claims 3, 12, 24, 32, 43, 50, 56, and 61 are patentable at least per patentability of the independent claims from which they depend. Moreover, these claims are separately patentable for at least the additional reasons discussed above in connection with Claims 11 and 31. This analysis is not repeated for the sake of brevity.

Dependent Claims 10, 18, 30, 40 Are Separately Patentable

Claims 10, 18, 30, and 40 are patentable at least per patentability of independent Claims 1, 11, 19, and 31, respectively, from which they depend. Claims 10 and 30 are also separately patentable because they recite transmitting/receiving the multimedia data using a **wireless network** and transmitting/receiving the supplemental data using a **wired network**. Further, Claims 18 and 40 are separately patentable because they recite streaming using a **wireless network** and downloading using a **wired network**. As previously discussed with respect to Claims 11 and 31, though Chaddha appears to teach streaming, Chaddha does not appear to teach downloading, does not appear to teach separate transmission of the multimedia data and supplemental data, and certainly does not teach performing these separate operations using a wireless network and using a wired network, respectively. Accordingly, these claims are separately patentable.

Dependent Claims 9 and 17 Are Separately Patentable

Claims 9 and 17 are patentable at least per patentability of independent Claims 1 and 11, respectively, from which they depend. Further, Claims 9 and 17 are separately patentable. Claim 9 recites:

9. A method according to Claim 1:
wherein transmitting multimedia data is performed from a first multimedia server; and
wherein separately transmitting supplemental data is performed from a second multimedia server that is different from the first multimedia server.

Claim 9 is separately patentable over Chaddha because **Chaddha does not appear to teach transmitting low resolution data from one multimedia server and transmitting error data from a second multimedia server that is different from the first multimedia server**. The Office Action cites Chaddha, Figure 1, items 20, 55, 90, and 100 as well as Chaddha, col. 12, lines 40-48. Although Chaddha's Figure 1 does show multiple video disks (item 90) and

multiple audio disks (item 100), Chaddha's Figure 1 **does not show multiple transmitters**. Further, Chaddha's Figure 1 does not show transmitters for low resolution data that are separate from transmitters for supplemental error data. The citation to Chaddha, col. 12, lines 40-48 also **does not describe multiple transmitters**. Accordingly, Claim 9 is separately patentable.

Claim 17 recites:

17. A method according to Claim 11:
wherein streaming is performed from a first multimedia server; and
wherein downloading is performed from a second multimedia server
that is different from the first multimedia server.

Claim 17 is separately patentable over Chaddha because **Chaddha does not appear to teach streaming from a first multimedia server and downloading from a second multimedia server**. The Office Action cites Chaddha Figure 1, items 20, 55, 90, and 100 as well as Chaddha, col. 12, lines 40-48. In Chaddha's Figure 1, item 20 is a streaming server. There is no downloading server in Chaddha's Figure 1. In addition, Chaddha's Figure 1 does not show multiple transmitters. Further, Chaddha's Figure 1 does not show streaming servers that are different from downloading servers. Accordingly, Claim 17 is separately patentable.

Dependent Claim 48 Is Separately Patentable

Claim 48 is patentable at least per patentability of independent Claim 41 from which it depends. Further, Claim 48 is separately patentable for at least the reasons discussed above in connection with Claim 9, though this analysis is not repeated for the sake of brevity.

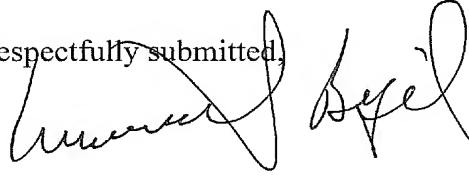
Dependent Claims 2, 4, 5, 13, 14, 20, 21, 22, 23, 25, 26, 33, 34, 35, 36, 37, 42, 44, 54, 55, 57, 62, 63, 64, and 65 Are Patentable

Claims 2, 4, 5, 13, 14, 20, 21, 22, 23, 25, 26, 33, 34, 35, 36, 37, 42, 44, 54, 55, 57, 62, 63, 64, and 65 are patentable at least per patentability of the independent claims from which they depend. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 102(b).

Conclusion

Accordingly, in light of the above amendments and remarks, Applicant respectfully submits that all of the pending claims are now in condition for allowance. Thus, Applicant respectfully requests allowance of the pending claims and passing the application to issue. Applicant encourages the Examiner to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,



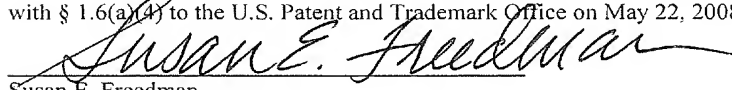
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Susan E. Freedman
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